

DETAILED ACTION

This is the first Office action in response to Application 10/796,335 filed on March 8, 2004. Claims 1-3 have been cancelled by a preliminary amendment. Claims 4-6 have been examined and are pending.

Priority

1. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged.

Information Disclosure Statement

2. The information disclosure statements (IDS) submitted on June 8, 2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner. The information disclosure statements filed March 27 and April 17, 2006 fail to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein that does not have a legible copy has not been considered.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 4-6 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

5. Claim 4 recites "a computer-executable program" Claim 4, Claim Line

1. In view of Applicant's disclosure, specification page 32, lines 2-4, the "series of computer instructions" are transmittable via a "computer readable" medium. The computer readable medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., "... diskette, CD-ROM, ROM, or fixed disk..." page 32, line 3) and intangible embodiments (e.g., "...wireless techniques...microwave, infrared, or other transmission techniques..." page 32, lines 7-8) or (e.g., "... any memory technology, present and future...transmitted using...optical, infrared, microwave, or other transmission technologies..." page 32, lines 12-16). As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

6. Claim 5 references the computer-executable program according to claim 4, which references non-statutory subject matter.

7. Claim 6 references the computer-executable program according to claim 5, which references non-statutory subject matter.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 4-6 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Number 5,581,702 to McArdle et al ('McArdle' hereinafter).

Regarding claim 4, McArdle discloses **a computer-executable program for use on a client process for facilitating collaborative interaction with other processes over a computer network comprising: program code for generating a graphical interface on the client process, the graphical user interface enabling graphic**

information to be shared with both private and public whiteboard utilities (Figure 4 and associated text; McArdle discloses a graphical user interface with both private and public application workspaces, i.e. whiteboard utilities. Figure 5 discloses the graphic information being shared over a communication medium, i.e. computer network, while the private application workspace remains viewable only to the private user.); **and program code responsive to commands entered using the graphical user interface for communicating information to and from the client process from and to participants in the collaborative interaction** (McArdle's invention inherently uses computer programming to implement the graphical user interface. Col. 10, lines 37-56; "...these arrows represent data pointers for associating data items in a linked list. The use of a linked list in the computer programming art is well known to those of ordinary skill...").

Regarding claim 5, McArdle discloses **the computer-executable program according to claim 4, wherein the graphical user interface includes a public whiteboard region, a notepad region, and a secondary notepad region for displaying graphical information on a notepad of an additional client process within a private communication** (Figure 4 and associated text; McArdle discloses a

graphical user interface with both private and public application workspaces, i.e. whiteboard utilities. Figure 5 discloses the graphic information being shared over a communication medium, i.e. computer network, while the private application workspace remains viewable only to the private user.).

Regarding claim 6, McArdle discloses **the computer-executable program according to claim 5, wherein the graphical user information further includes frame indicators, the frame indicators including status and information messages, forwarded documents, file transfer status, control status, and awaiting reply indicators** (Figure 4 and associated text; McArdle discloses a graphical user interface with both private and public application workspaces, i.e. whiteboard utilities. In figure 4, McArdle further discloses a function and command menu that includes a status display, and data messages; see status col.4, lines 31-32; see data messages col. 5, lines 31-34. McArdle also discloses a meeting file identifier that stores meeting information, i.e. forwarded documents, transferred files, meeting notes, etc., on a mass storage device. See col. 9, lines 37-44).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- US Patent Number 4,654,483 to Imai et al titled "Electronic Conference System."
- US Patent Number 5,107,443 to Smith et al titled "Private Regions within a Shared Workspace."
- US Patent Number 5,736,968 to Tsakiris titled "Computer Controlled Presentation System."
- US Patent Number 5,745,711 to Kitahara et al titled "Display Control Method and Apparatus for an Electronic Conference."
- US Patent Number 5,758,110 to Boss et al titled "Apparatus and Method for Application Sharing in a Graphic User Interface."
- US Patent Number 5,867,156 to Beard et al titled "Automatic Viewport Display Synchronization During Application Sharing."
- US Patent Number 6,434,552 to Leong titled "Data Retrieval in a Computing Device using an Intuitive Method for Retrieving Personal Management Information stored in a Hand-held Personal computer or the like."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tariq S. Najee-ullah whose telephone number is (571) 270-5013. The examiner can normally be reached on Monday through Friday 8:00 - 5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi T. Arani can be reached on (571) 272-3787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 4121

/Taghi T. Arani/

Supervisory Patent Examiner, Art Unit 4121

11/26/2007